



Noa Kanealii Io Pono I Kelii Ua Mau
Aliomanu
Koolau
Mokupuni Kauai
Ko Hawaii Pae Aina. H. I.

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CIVIL NO. 23-00276-DKW-KJM

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Noa Kanealii Io Pono I Kelii Ua Mau, an Kanaka-Maoli, Ko Hawaii Pae Aina

Plaintiff,

vs.

Tyler C. Saito, Michael Soong, STATE OF HAWAII, Governor: Josh Green,
UNITED STATES OF AMERICA, President: Joseph Biden, KO HAWAII PAE
AINA, Kuhina Nui: Keliiahuluhulu: Alfred Spinney Attorney General: Thomas
Anthony and Deputy Foreign Minister: Hawe Keliikoa, Et Alii.

Defendants,

NOTE VERBALE

CONTINUING NOTICE OF GENOCIDE

CERTIFICATE OF SERVICE

NOTE VERBALE

CONCERNING THE EXPROPRIATION OF PRIVATE KULEANA
PROPERTIES DURING THE CONTINUING CAMPAIGN AND CRIME OF
GENOCIDE OF THE KANAKA MAOLI OF THE KO HAWAII PAE AINA

"Generally speaking, genocide does not necessarily mean destruction of a nation .. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."

"The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity but as members of a national group."

(Rafael Lemkin, Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposal for Redress, Washington: Carnegie for Endowment for World Peace);

Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population, which is allowed to remain, or upon the territory alone, after removal of the population and the colonization by the oppressor's own nationals.

By genocide we mean the destruction of and the annihilation and extermination of the individuals belonging to an ethnic and or national group.

Here the oppressed and persecuted ethnic and or national group is the Ekalesia of the Ko Hawaii Pae Aina.*

The crime and campaign for the genocide of kanaka-maoli and the expropriation, pillaging and plundering of the private property of this oppressed and persecuted national group is continuing.

I, Noa Kanealii Io Pono I Kelii Ua Mau an kanaka-maoli, am a member of this persecuted and oppressed group: people and chiefs of the Ko Hawaii Pae Aina.

I. INTRODUCTION

1. I am the Plaintiff, Noa Kanealii Io Pono I Kelii Ua Mau, an Kanaka-Maoli (“Noa”) Hawaiian subject and an alien to the United States. I am the rightful owner of the kuleana lands at Aliomanu, Koolau, Mokupuni Kauai, Ko Hawaii Pae Aina, (actual location I am unlawfully removed) encompassing the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands.
2. The Defendants, Tyler C. Saito, Michael Soong and Governor Josh Greene of State of Hawaii and his associates and President Joseph Biden the United States of America and his associates, have and is committing and continuing to carry-out tortious acts by unlawfully removing Noa from and depriving Noa of his private kuleana property rights while Noa is within the Ko Hawaii Pae Aina. This deprivation, removal and expropriation of private property belong to me and my ohana, is part of a continuing crime and campaign of the genocide targeting Noa and all kanaka-Maoli, kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina just like me and my ohana. The Defendants' actions violate's the US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea and breaches the 1849-1850 Hawaiian Treaty with the United States of America.

3. Defendants KO HAWAII PAE AINA Kuhina Nui Keliiahuluhulu: Alfred Spinney, Attorney General, Thomas Anthony and Deputy Foreign Minister Hawe Keliikoa are government officials of the Hawaiian Islands and owe a duty for the Protection of both the People and Chiefs of the Hawaiian Islands just like me and my ohana and pursuant to the Declaration of Rights by Kauikeaouli Kamehameha III His Majesty the King of the Hawaiian Islands, 1840 and 1852 Constitution, Book I of the 1845 and 1846 and Book II of the 1847 Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands, 1848 Mahele, 1850 Kuleana Act passed by the Legislative Houses of Representatives and Nobles and the 1859 Civil Code of the Hawaiian Islands and obligated to defend me and my ohana from the criminal and civil injuries aimed at me and my ohana. Since the filing of this Notice and complaint none have come to the aid of the trespass and expropriation of our private kuleana lands and property rights during the continuing crimes and campaign of genocide directed against kanaka-maoli of the ko Hawaii pae aina just like me and my family.

II. JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, as the present case involves a federal question arising under the United States Constitution, Art. VI, Paragraph 2, of the 1849-1850 Hawaiian Treaty

with the United States of America, US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, and also the International Conventions, the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea to which the United States is a party.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) as the Defendants, State of Hawaii and the United States of America, are both entities subject to the jurisdiction within this district within the physical and maritime territorial boundaries of the Hawaiian Islands which Aupuni Hawaii operates.

III. PARTIES

5. I am the Plaintiff, Noa, an kanaka-maoli Hawaiian subject and an alien to the United States. I am the rightful owner of private kuleana lands at Aliomanu, Koolau, Mokupuni Kauai within the Ko Hawaii Pae Aina, encompassing the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands, and am continuing to suffer the unlawful expropriation of private kuleana lands during the continuing crime and campaign of genocide by Defendants.
6. The Defendant, Tyler C. Saito, Michael Soong and Governor Josh Greene of the so-called State of Hawaii, a criminal enterprise acting as a state government

entity created by the US Congress responsible for the governance and administration of State of Hawaii within US territory.

7. The Defendant, President Joseph Biden of the United States of America, acts as a leader under a sovereign nation and a party to the 1849-1850 Hawaiian Treaty with the United States of America, which laws and statutes include US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, and signatory to International Conventions, including the UN Convention on the Prevention and Punishment for the Crime of Genocide and the UN Convention on the Law of the Sea.
8. The Defendant, Kuhina Nui: Keliuhuluhulu: Alfred Spinney Attorney General: Thomas Anthony and Deputy Foreign Minister: Hawe Keliikoa conducts and acts as government officials under the Ko Hawaii Pae Aina, of a sovereign kingdom and is a party to the 1849-1850 Hawaiian Treaty with the United States of America and in violation of the 1839 Declaration of Rights by Kamehameha III His Majesty the King of the Hawaiian Islands, 1840 and 1852 Constitution, Book I of the 1845 and 1846 and Book II of the 1847 Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands, 1848 Mahele, 1850 Kuleana Act passed by the Legislative Houses of Representatives and Nobles and the 1859 Civil Code of the Hawaiian Islands.

IV. FACTUAL ALLEGATIONS

8. I am Noa, an Kanaka-Maoli of the ko Hawaii pae aina, Hawaiian subject, and an alien to the United States, having and holding a superior rightful ownership and private property rights over the kuleana lands within Aliomanu, Koolau, Mokupuni Kauai, Ko Hawaii Pae Aina, encompassing the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands.
9. The Defendants, the so-called State of Hawaii and United States of America, have tortiously and unlawfully expropriated the private kuleana property belonging to me and my ohana within the Ko Hawaii Pae Aina. This ongoing expropriation is part of the continuing crime and campaign of genocide aimed at Noa and all kanaka-Maoli, kanaka- Hawaii and haole people and chiefs living within the Ko Hawaii Pae Aina.
10. The Defendants' actions violates US Code 28 Section 1350, which protect alien individuals just like me and my ohana from the tortuous unlawful removal and deprivation of our property, US Code 28 Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea, including breaches of the 1849-1850 Hawaiian Treaty with the United States of America.

V. CLAIMS FOR RELIEF

11.Count I: Tortious Expropriation and Unlawful Removal

a. The Defendants' tortious actions and expropriation of private kuleana properties carried-out against me and my ohana unlawfully removing us from our lands within the Ko Hawaii Pae Aina, encompassing the physical maritime and jurisdictional territorial boundaries of the Hawaiian Islands, during the continuing crime of genocide constitute a tort and deprivation in violation of our rights under US Code 28 Section 1350, US Code 28 Section 1091 Chapter 50(a), and also the Proxmire Act, include violations of the UN Convention on the Prevention and Punishment for the Crime of Genocide, and the UN Convention on the Law of the Sea and in direct breach of the 1849-1850 Hawaiian Treaty with the United States of America,.

b. The Plaintiff seeks compensatory damages for the expropriation of his private kuleana property, including but not limited to the fair market value of the unlawfully seized lands, loss of use, emotional distress, and any other damages suffered as a result of the Defendants' direct, proximate continuing and tortious actions.

c. The Plaintiff also seeks injunctive relief, requiring the Defendants to immediately cease all further expropriations and removal activities targeting kanaka-maoli Noa and ohana within the Ko Hawaii Pae Aina and to restore Noa's possession and ownership private property rights over the genocide of Defendants unlawful expropriation of kuleana lands belonging to Noa..

d. The Plaintiff further requests the Court to impose punitive damages on the Defendants for their willful and malicious conduct in carrying out a campaign of genocide against Noa, ohana and all kanaka-maoli kanaka-Hawaii and haole people living within the ko Hawaii pae aina just like Noa.

VI. PRAYER FOR RELIEF

12. The Plaintiff respectfully requests that this Honorable Court:

- a. Declares the Defendants' Tyler C. Saito, Michael Soong and Governor Josh Greene of State of Hawaii's actions to be in violation of US Code 28 Section 1350, USC 28 Section 1091 Chapter 50(a), the Proxmire Act, the UN Convention on the Prevention and Punishment for the Crime of Genocide, the UN Convention on the Law of the Sea, and the 1849-1850 Hawaiian Treaty with the United States of America.
- b. Declares the Defendants' Kuhina Nui: Keliiahuluhulu: Alfred Spinney Attorney General: Thomas Anthony and Deputy Foreign Minister: Hane Keliikoa's actions to be in violation of 1839 Declaration of Rights by Kamehameha III His Majesty the King of the Hawaiian Islands, 1840 and 1852 Constitution, Book I of the 1845 and 1846 and Book II of the 1847 Statute Laws of His Majesty Kamehameha III King of the Hawaiian Islands, 1848 Mahele, 1850 Kuleana Act passed by the

Legislative Houses of Representatives and Nobles and the 1859 Civil Code of the Hawaiian Islands.

c. Orders the Defendants to immediately cease all further campaigns of genocide and expropriation and removal activities targeting Noa, his ohana and all kanaka-maoli, kanaka-Hawaii and haole people living within the Ko Hawaii Pae Aina.

c. Requires the Defendants to restore Noa's possession and ownership rights over the unlawfully expropriated lands and to compensate him for the damages incurred, including fair market value, loss of use, emotional distress, and punitive damages.

d. Awards the Plaintiff his reasonable attorney's fees, costs, and expenses incurred in pursuing this action.

e. Grants any further relief as the Court deems just and proper.

VII. JURY DEMAND

13. The Plaintiff demands a trial by jury for all issues triable by jury.

Dated: July 4, 2023

Respectfully submitted,

s/ Noa Kanealii Io Pono I Kelii Ua Mau